IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 16479 of 2004**

Between:

S.V.Ramanamma W/o. Appa Rao
Sri Kandukuri Rajyalashkmi College for Women, Rajahmundry, East

Godavari District.

**..... PETITIONER**

AND

1 Commissioner and Director of Collegiate Education Hyderabad, A.P.
2 Correspondent S.K.R.college for Women Rajahmundry, East Godavari

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ or order more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not paying the petitioner's salary to the post of Record Assistant from 15.11.1994 till this day as illegal, arbitrary and violative of Principles of natural justice and violative of Art.14, 16 and 21 of the Constitution of India and consequently direct the respondents to pay me the salary attachable to the post of Record Assistant right from the date of promotion of the petitioner and continue to pay the salary attachable to the post of Record Assistant.

**Counsel for the Petitioner:MS.G.MADHURI**

**Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION**

**Counsel for the Respondent No.2:**

**The Court at the admission stage made the following Order:**

This writ petition is filed questioning the action of the respondents in not paying the salary to the petitioner till this day to the post of Record Assistant though he was promoted as Record Assistant from 15.11.1994.

According to the petitioner, she was promoted by the second respondent on 15.11.1994 from the cadre of attender. The grievance of the petitioner is that though she was promoted to the post of Record Assistant in the year 1994, the respondents are not paying the salary attached to the said post. Hence the writ petition.

Respondent No.1 filed counter stating that the second respondent College appears to have promoted the petitioner to the post of Record Assistant on 15.11.1994 without prior permission from the first respondent. It is further stated that the proposals submitted by the Principal of the second Respondent College to approve the promotions of non-teaching staff including the promotion of the petitioner was rejected by the first respondent vide proceedings dated 18.04.2000 and therefore, the petitioner is not entitled to claim the salary in the cadre of Record Assistant.

Learned counsel for the petitioner contended that the petitioner was initially recruited through regular selection process and to promote him to the post of Record Assistant, no prior permission is required and as such, the second respondent is liable to pay salary to the petitioner in the cadre of Record Assistant.

On the other hand, learned Government Pleader appearing for the first respondent

contended that the promotion of the petitioner as Record Assistant was rejected by the first respondent vide proceedings dated 18.04.2000 and therefore, the first respondent is not liable to pay any salary.

Inspite of service of notice, the second respondent failed to appear in person or through its counsel.

Though the promotion of the petitioner was rejected by the first respondent vide proceedings dated 18.04.2000, the same is not under challenge, and hence, the first respondent is not liable to pay salary. Insofar as second respondent is concerned, it is for the second respondent to take appropriate decision to pay the salary as it has promoted the petitioner to the post of Record Assistant.

In the aforementioned circumstances, the writ petition is disposed of giving liberty to the petitioner to challenge the proceedings dated 18.04.2000 of the first respondent and also directing the second respondent to consider the case of the petitioner in payment of salary to the post of Record Assistant. No costs.

17.01.2005

usd

To

1 The Commissioner and Director of Collegiate Education Hyderabad, A.P.
2 The Correspondent S.K.R.college for Women Rajahmundry, East Godavari

District.

3 Two CCs to G.P. for Higher Education, A.P.High Court Buildings,

Hyderabad (OUT).

4. Two CD copies.